IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

MONDAY, THE 25TH JUNE 2007 / 4TH ASHADHA 1929

Con.Case(C).No. 745 of 2006(S)

AGAINST THE JUDGEMENT IN WPC.8516/2006 Dated 22/03/2004

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PETITIONER/PETITIONER.

JOBIN GEO. S/O.K.C.VARKEY,
AGED 34 YEARS, MOONGAMACKAL HOUSE, KANJIRAMATTOM,
KOTTAYAM.

BY ADV. SRI.P.DEEPAK

RESPONDENTS: RESPONDENT.

P.P.KRISHNAN, AGE/FATHERS NAME NOT KNOWN
TO THE PETITIONER, SECRETARY, REGIONAL TRANSPORT
AUTHORITY, IDUKKI.

ADDL.2. MR.M.K.JALAL, AGED 27 YEARS, S/O.MUHAMMED
KUNJUKUNJU, MUNCHAKAL HOUSE, VALARA P.O.,
IRUMPUPALAM, IDUKKI 685561, NOW WORKING
AS L.D.C. REGIONAL TRANSPORT OFFICE, IDUKKI.

(ADDL. 2ND RESPONDENT IMPLEADED VIDE ORDER DTD.
6.6.07 IN C.O.C.745/06)

R1 BY GOVT. PLEADER SMT.T.B.RAMANI
R2 BY ADV.SRI.V.GIRI
SRI.DEEPU THANKAN

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING BEEN FINALLY HEARD ON 25/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B.RADHAKRISHNAN, J.

Cont. Case (C).No.745 OF 2006

Dated this the 25th day of June, 2007

JUDGMENT

Respondents present.

2. This Court had directed the first respondent to issue certified copies of certain documents as were sought for by the petitioner.

3. This contempt of court case is filed on the allegation that the directions in the judgment in the writ petition were not complied with, and still further, that by the non exercise of authority by the first respondent and on account of his failure to comply with the directions of this Court, the petitioner had been deprived of valuable rights, including his entitlement to ensure that a rival operator does not ply in timings not settled and issued to him.

4. The first respondent placed different affidavits on record, on the basis of which, the second respondent was arrayed suo

motu by this Court as an additional respondent in this proceedings. He has also come on record with an affidavit.

5. The failure to issue the documents to the petitioner were attempted to be placed by the first respondent on the inexperienced shoulders of the second respondent, by stating that he has been shunted out from the concerned section and has been moved into the autorikshaw section as a consequence of the entertainment of this contempt of court case. But the records of his office, as placed before me by the learned Government Pleader, reveal that, as a matter of fact, the second respondent was moved into the autorikshaw section much before the institution of this contempt of court case.

6. Be that as it may, the first respondent then contended that the second respondent, owing to his inexperience, being a new entrant as an LDC, was moved out because his competence requires a little more grooving. If that were so, it is unfortunate that explanation was sought for from him. At any rate, such calling for an explanation from the second respondent shall not

be further proceeded with in the realm of disciplinary proceedings to impose any punishment on him.

7. On to the case as against the first respondent, the petitioner states that he has been deprived of his legitimate rights. According to him, he applied for the timings of a rival operator because he wanted to ensure that the said person plys that stage carriage in terms of the settled timings. It is pointed out by the learned counsel for the petitioner that because the first respondent did not release the copies sought for in time, the petitioner was deprived of opportunity to ensure his legal rights in relation to securing that the rival operator goes only by his timings as have been lawfully approved. Still further, even if the petitioner had any remedies against the timings/orders, copies of which were sought for by him, he could have invoked the statutory remedies against such decisions.

8. Be that as it may, though these proceedings on the conduct of the first respondent may not stricto senso be one, on the basis of which, disciplinary proceedings would ensue, the intention of

these proceedings is essentially to ensure compliance of the judgment. But in the realm ensuring enforcement of the orders, this Court Having found that the petitioner has been deprived of his legal rights, as a consequence of the failure of the first respondent to obey the directions of this Court issued as per the judgment in the writ petition, he is entitled to be granted such compensatory costs as is deemed required, on the facts and circumstances.

Having regard to the totality of the facts and circumstances, this contempt case is closed on condition that the first respondent pays to the petitioner an amount of Rs.5,000/- as cost within a period of two weeks from today and thereby purge himself of the contempt with the affidavits already on record.

Sd/-

THOTTATHIL B.RADHAKRISHNAN
Judge

kkb.